

The Regular Meeting of the Troy City Planning Commission was called to order by Chairman Chamberlain at 7:30 P.M. on Tuesday, April 9, 2002, in the Council Chambers of the Troy City Hall.

1. ROLL CALL

Present:

Pennington
Kramer
Starr
Waller
Vleck
Littman
Wright
Chamberlain
Storrs (7:35)

Absent

Also Present:

Mark Miller, Planning Director
Susan Lancaster, Assistant City Attorney
Jordan Keoleian, Student Representative

1. ROLL CALL

2. PUBLIC COMMENTS

No public comments.

3. MINUTES – March 12, 2002

RESOLUTION

Moved by Littman

Seconded by Wright

RESOLVED to approve the March 12, 2002 Planning Commission Regular Meeting Minutes as presented.

Yeas

Pennington

Kramer

Starr

Vleck

Waller

Littman

Wright

Abstain

Chamberlain

Storrs

MOTION CARRIED

TABLED ITEMS4. PUBLIC HEARING - PROPOSED PLANNED UNIT DEVELOPMENT (PUD-1) – Proposed Troy Baptist Church/Robertson Brothers P.U.D., East side of Rochester and South of South Blvd., Section 2 – R-1D

Mr. Miller stated that the petitioner is in the process of preparing alternative designs for the subject property. When the petitioner submits revised PUD plans, the Planning Commission can schedule a study meeting to provide input to the petitioner.

RESOLUTION

Moved by Waller

Seconded by Wright

RESOLVED, to table the Preliminary Plan Unit Development for the Troy Baptist Church/Robertson Brothers located on the east side of Rochester Road and south of South Boulevard, Section 2, R-1D, to the Planning Commission Special Study Meeting on the fourth meeting in May.

Yeas

All Present (9)

Nays

MOTION CARRIED

5. PUBLIC HEARING - PROPOSED REZONING (Z-679) – Proposed Walnut Forest Condominium, East side of I-75, North of Paragon and South of the South end of Hedgewood Dr., Section 16 – R-1B to CR-1

Mr. Miller stated that on March 12, 2002 the Planning Commission tabled this rezoning request so the petitioner could present a schematic plat/site condominium layout to demonstrate that the subject property has characteristics of a difficult parcel configuration. In addition, the petitioner submitted a variety of development layouts.

Mr. Miller further stated that Vincent Diloranzo of D & T Construction Co. submitted a rezoning request from R-1B to CR-1, for 6.12 acres of land located east of I-75 and north of Paragon Street and south of the south end of Hedgewood Drive within Section 16.

Mr. Miller further stated that the subject property is currently vacant. The adjacent land uses include: single family residential to the north and south; vacant property owned by the Troy School District to the east; and state owned right-of-way and I-75 to the west.

Mr. Miller further stated that the current Future Land Use Plan designation for the subject property is Low Density Residential. The adjacent land use designations include: Low Density Residential to the north and south; an Elementary School site to the east; and Major Thoroughfare and Greenbelt Buffer to the west.

Mr. Miller further stated that the current zoning district classification of the subject property is R-1B One Family Residential. The adjacent zoning district classifications include: CR-1 One Family Cluster to the north; R-1B One Family Residential to the south, east and west.

Mr. Miller further stated that the Natural Features Map indicates woodlands and wetlands on the subject property. Aerial photography and site inspection confirms that considerable woodlands are present on the site. A wetlands determination would be necessary to identify the scope and location of any wetlands on the subject property. The City of Troy discussed the possible purchase of the Troy School District property located directly east of the rezoning request in an attempt to preserve properties with natural features. The School District indicated the desire to retain ownership of the property at this time. The subject property and the School District's property together include substantial woodlands and potential wetlands.

Mr. Miller further stated that Section 11.40.00 of the Zoning Ordinance provides location standards for the consideration of CR-1 Zoning Districts. There are three categories in the location standards and include transition basis, environmental basis and difficult parcel configuration basis. The subject property appears to qualify for each of these basis, although the natural features basis requires preservation of a minimum of five (5) acres. The property is six (6) acres in size;

therefore, if developed, the five (5) acre minimum cannot be met. The subject property is located adjacent to I-75 and what appears to be a highway beautification area. The Glens at Carlson Park, an existing CR-1 development, provides access via Hedgewood Drive stub to the northern boundary of the proposed rezoning. In addition, the narrowness of the property makes it impossible to develop in a typical double loaded street. The rezoning request is consistent with the Future Land Use Plan and compatible with the adjacent zoning districts and land uses. Based upon these findings the Planning Department recommends approval of the CR-1 rezoning request.

Mr. Miller stated that the Land Use Plan is compatible with the adjacent zoning districts and land uses. Based upon these findings the Planning Department recommends approval of the CR-1 rezoning request.

Mr. Miller concluded stating that the City is recommending approval as this is a difficult parcel to develop and it is abutting I-75.

Mr. DiLorenzo, petitioner, stated that it is appropriate to a rezoning request. We can build a bigger screening berm between the property and the beautification area. We can kill the noise level.

Mr. Chamberlain opened up the public hearing.

Mr. Kessler, 466 Paragon, stated he was concerned about safety and the proximity of the road to his house. He is within the 60 feet requirement. His measurements say this roadway will be within 12 feet of my house.

Mr. Chamberlain stated it is not a site plan, it is only a zoning issue at this time.

Mr. Kessler stated he was concerned about the berm, also with the safety factor of the big construction vehicles coming down our street right next to our house. It is going to be terrible.

Mr. Chamberlain stated that the property owner has the right to develop.

Mr. Waller commented on a schematic plan that shows a road to Paragon and stated he would not approve a site plan that shows a road to Paragon.

Mr. Chamberlain stated that the schematic plan is not a guarantee to how it will be developed. The developer can bring in any plan that satisfies the Zoning Ordinance requirements. The plan that Mr. Waller just talked about is only one possibility. You as neighbors will be notified when a Site Plan comes in for approval.

Mr. Schepke, 328 Paragon, commented on the new Open Space Preservation Amendment to the City and Village Zoning Act and stated that his subdivision is not made for high traffic volume.

Mr. Lobbestael, 427 Paragon, had same comments as other residents. He read a letter noting problems and complaints. Further, he asked if we are obligated to make that property useful so that the owner gets the maximum use out of his property.

John Heasley, 190 Paragon, stated he disapproves of the rezoning making it a more densely populated area. He has traffic concerns and stated that it is a nice quiet neighborhood and we are going to lose that if this goes through.

Sharon Tatarek, 239 Lange, stated she strongly opposes the rezoning. Traffic and noise are concerns for her. For her it is a nice neighborhood and she hates to see it change.

Pamela Walton, 306 Carter, stated she is against the rezoning for all obvious reasons. She didn't know how you can take a site plan away from a rezoning request.

Public hearing closed.

Mr. Storrs commented on location standards in the ordinance regarding three basic requirements and asked Mr. Miller if he thought all three would be met.

Mr. Miller stated you have to meet one of them and in his opinion, the difficult parcel and transition basis are met.

Mr. Storrs stated he had a problem with the intent of the CR-1 District. We have eight issues there. He doesn't think the request meets the ordinance requirements. A development can be accomplished in single family zoning.

Mr. Kramer stated when we consider the cluster rezoning, what are the possibilities existing under the current rezoning. The developer has prepared for us four (4) theoretical layouts for this property, one of the three under the current zoning is almost identical to the required zoning. It doesn't require connections to Paragon. There are ten (10) roads that can be developed meeting the current zoning. He has a hard time in his mind concluding that it could not be developed under the current zoning. At some point in the future there will be some developer on the property that the school now owns.

Mr. DiLorenzo stated that the examples and schematic plans are very preliminary. There are still engineering issues to be dealt with.

RESOLUTION

Moved by Storrs

Seconded by Kramer

RESOLVED, that the Planning Commission hereby recommends to the City Council that the rezoning request from R-1B to CR-1, for 6.12 acres of land

located east of I-75 and north of Paragon Street and south of the south end of Hedgewood Drive within Section 16, be denied, for the following reason:

1. The rezoning request does not conform to the intent section of the CR-1 District in the Zoning Ordinance.
2. The property can be developed with the current zoning of R-1B.

Yeas

Vleck

Wright

Chamberlain

Pennington

Kramer

Starr

Storrs

Nays

Waller

Littman

Mr. Waller stated that the feasibility of cluster provides greater opportunity to mitigate noise.

Mr. Littman stated that R-1B can be developed although cluster can keep the housing away from I-75.

MOTION CARRIED

6. SITE PLAN REVIEW (SP-586) – American Polish Cultural Center Expansion, Northwest Corner of Maple and Dequindre, Section 25 - B-1 and B-2

Mr. Miller stated that the petitioner requested postponement to the next regular meeting, to allow coordination of the proposed joint-driveway with the proposed Troy Professional Office Building.

RESOLUTION

Moved by Wright

Seconded by Pennington

RESOLVED, that Preliminary Site Plan Approval, as requested for the Polish Cultural Center Expansion located at the northwest corner of Maple Road and Dequindre Road, 7.253 acres of size within the B-1 and B-2 Zoning Districts is hereby postponed to the Planning Commission Special Study Meeting on May 9, 2002, to allow the petitioner to submit a revised site plan with a joint driveway with the proposed Troy Professional Associates Office Building.

Yeas

All Present (9)

Nays

MOTION CARRIED

7. SITE PLAN REVIEW (SP-874) – Parking Lot Expansion, South of Maple and West side of Dequindre, Section 36

Mr. Miller stated that Eric Salswedel submitted a Site Plan request on behalf of Oriono Niere to expand a parking lot for an existing multi-tenant commercial building, located on Lot 38 and part of Lot 39 of Supervisor's Plat of Plainview Farms Subdivision, 0.97 acres/42,402 square feet in size and located in the B-3 Zoning District. There are no previous Site Plan Approvals for the existing building and parking lot. This existing property does not meet the Zoning Ordinance requirements for the required parking spaces, landscaped open space and front yard setback. This building is a non-conforming structure and may continue. Due to the location of the building there is no physical way to provide countable landscaped open space. Although, the subject property is deficient 53 parking spaces, the proposed Site Plan includes 43 new parking spaces. Therefore, the non-conforming status related to parking spaces is decreasing. The proposed Site Plan is deficient seven parking spaces.

Mr. Miller concluded stating that a cross-access easement will connect the proposed parking lot to the property commonly known as the Polish Market. Stormwater detention method for the development is an underground piping system. There are no natural features located on the subject property. All other Zoning Ordinance requirements are adhered to, with consideration of the non-conformance issues noted earlier. The Planning Department recommends approval of the subject Site Plan.

John DeBruyne, SDA Architect, stated that he prepared the Site Plan for the Parking Lot Expansion and that Mr. Miller pretty much covered everything in his presentation.

Mr. Kramer asked if there are any issues regarding the underground storage. Is it going to be adequate. Does the petitioner feel confident.

Mr. DeBruyne answered yes, that there is plenty of room.

Mr. Storrs asked why do you need to expand the parking lot.

Mr. DeBruyne stated that the restaurant is not happy with parking during evening hours. Employees are forced to park on the grass. We would like to provide parking to the employees and hook up with the Polish Market on busy mornings so they can share parking.

Mr. Kramer commented on the motion that it should include that any changes made to this Site Plan are to be brought back to the Planning Commission.

RESOLUTION

Moved by Pennington

Seconded by Wright

RESOLVED, that Preliminary Site Plan Approval, as requested for the parking lot expansion, south of Maple Road and west side of Dequindre, Section 36, 0.97 acres, within the B-3 Zoning District is granted subject to the following condition:

1. That any changes made to this Site Plan are to be brought back to the Planning Commission for approval.

Yeas

Littman

Pennington

Vleck

Wright

Kramer

Waller

Chamberlain

Starr

Nays

Storrs

Mr. Storrs stated that he was dissatisfied with the underground stormwater storage.

MOTION CARRIED

8. SITE PLAN REVIEW (SP-858) – Atlantis Auto Wash, North side of Maple and West of Livernois, Section 28, H-S

Removed from Agenda.

9. SITE PLAN REVIEW (SP-388) – Drury Inn Expansion, South side of Big Beaver and East of I-75, Section 28, O-S-C

Mr. Miller stated that Steven Bowman of Drury Inn, Inc., submitted a Site Plan for an addition to the Drury Inn located on the south side of Big Beaver Road and east of I-75. The subject property is within the O-S-C Zoning District and is 5.915 acres in size. In 1983 City Council granted Site Plan Approval for the existing hotel. Also in 1983 City Council adopted a Zoning Ordinance revision, 26.30.02, that removed hotels as a principal use permitted in the O-S-C Zoning District and added hotels as a use permitted subject to special use approval. The 1983 hotel and motel amendment set minimum standards relating to the physical character of the hotels. This amendment also included the following; *"The requirements of this section shall not apply to hotels or motels for which building permits were granted prior to June 2,*

1983.” Building permits were granted for the Drury Inn prior to June 2, 1983, therefore, the special use approval conditions do not apply to the Drury Inn.

Mr. Miller further stated that the expansion includes an additional 63 rooms and a 54 seat meeting room, while the existing hotel has 154 rooms and a 193 seat restaurant. A total of 380 parking spaces will serve the hotel. Access to the hotel will not change, except for the additional cross-access easements shown on the Site Plan. A reconfigured stormwater detention basin is indicated in the southeast corner of the subject property abutting Frontage Road that will have a 1:6 slope and will not require fencing. There are no natural features on the subject property.

Mr. Miller concluded stating that all Zoning Ordinance requirements are met and the Planning Department recommends approval of the proposed Site Plan.

Mr. Starr asked about a small cluster of woods on the property.

Mr. Miller stated that it was growing on a mound of dirt.

Mr. Storrs asked if the provision excepting hotels with building permits prior to June 2, 1983, applies.

Ms. Lancaster stated that provision was specifically adopted to make Drury Inn a legal use. The legal opinion and historical perspective, makes this situation similar to kennels. The Zoning Ordinance should be amended and clarified.

Mr. Storrs asked if it was proper to consider this Site Plan.

Ms. Lancaster stated yes, it is a legal use.

Steve Bellinger, representing Drury Inn, stated that he consolidated the properties. We are exploring vacating Frontage Road for security reasons. Neighbors have a basic agreement and want to keep the cross-access easements. We will be adding 63 rooms, 9 of which will be full suites. We are also going to be starting full renovation of the existing building.

Mr. Littman asked that they keep in mind that this is a high profile entrance to the City along I-75. Please keep the detention pond nice and clean. Also, keep in mind how the site will look from the rear.

Mr. Kramer asked if the Site Plan was the total build out.

Mr. Bellinger stated that he doesn't really see them going with any further additions.

Mr. Kramer stated that this is a signature site. However, there are not a lot of improvements to the site design, such as improved landscaping. Please upgrade the site amenities.

Mr. Chamberlain stated that the detention pond is a good place to start and cited Midtown Square's detention as a prime example.

Mr. Bellinger stated that they are open to revisions.

RESOLUTION

Moved by Waller

Seconded by Starr

RESOLVED, that Preliminary Site Plan Approval, as requested for the Drury Inn Expansion located on the south side of Big Beaver and east of I-75, Section 28, within the O-S-C Zoning District is granted subject to the following condition:

1. That any changes made to this Site Plan are to be brought back to the Planning Commission for approval.

Yeas

All Present (9)

Nays

MOTION CARRIED

Mr. Starr stated that the Downtown Development Authority and City be made aware of our action.

10. SITE PLAN REVIEW (SP-876) - Towns Center LLC Office Building, North side of Town Center and West of Livernois, Section 21, O-1

Mr. Miller stated that Mark Drane, of Rogvov Architects, on behalf of Tadian Development Co., submitted a Site Plan for the proposed Towns Center LLC Office Building. The subject property is 0.96 acres in size and located within the O-1 Zoning District. Access to the proposed office building is from a single driveway from Town Center. The building is approximately 11,000 square feet in size. Cross-access will be provided to the abutting property to the north. The property to the west does have a cross-access easement located along Town Center Drive, however, it appears this connection would be unnecessary. Stormwater detention will be provided on the parking surface. There are no natural features located on the subject property. The proposed Site Plan meets all Zoning Ordinance requirements and the Planning Department recommends approval.

Mr. Kramer asked the other Planning Commissioners how they feel about the cross-access easement. His thought is Town Center Drive is going to get a lot busier in the next few years.

Mr. Chamberlain agreed.

Mr. Kramer stated that maybe this is the 11½ hour regarding this plan, but it seems to make more sense to use the existing connection.

Mr. Chamberlain commented on perhaps a joint driveway.

Mr. Miller stated that a joint drive is optimal, but it is not reasonable to force it in this situation.

Mr. Kramer commented on a joint driveway or wider.

Mr. Miller stated that early on in our review one driveway was considered, although it would be unreasonable to force the adjacent property owner into site improvements.

Mr. Chamberlain asked what happens if you flip flop your plan. Couldn't you do a joint driveway on that site.

Mr. Storrs stated that stormwater needs to be removed from the parking lot and directed onto landscaped areas.

Mr. Drane asked why would you want to do this. The stormwater system is restricted and the parking surface detention is best solution.

Mr. Chamberlain stated that parking lot stormwater storage is something we don't want. AAA's stormwater detention is beautiful. You can make it an amenity. More importantly, the development should be connected to the existing cross-access easement to the west.

Mr. Drane stated that the existing easement is cumbersome.

RESOLUTION

Moved by Storrs

Seconded by Waller

RESOLVED, that Preliminary Site Plan Approval, as requested for the Town Center LLC Office Building (SP-876), on the north side of Town Center and west of Livernois, Section 21, is hereby granted subject to the following conditions:

1. Stormwater detention to be provided in the landscaped open space area and not on the parking lot surface.
2. Any changes made to this Site Plan will be brought back to the Planning Commission for approval.

Yeas

Chamberlain
Waller
Pennington
Littman
Starr
Wright
Storrs
Vleck

Nays

Kramer

MOTION CARRIED

Mr. Kramer stated that the plan is not taking advantage of the existing cross-access easement and that he does not feel confident with the changes to the stormwater detention system.

REZONING PROPOSAL

11. **PUBLIC HEARING - PROPOSED REZONING (Z-680)** – Proposed Choice Cluster Development, East side of Finch, South of Wattles, Section 21 – R-1B to CR-1

Mr. Miller stated that the Choice Group submitted a R-1B One Family Residential District to CR-1 One Family Residential Cluster District rezoning request for 4.86 acres of land located on the east side of Finch Road and south of Wattles Road. The subject property is an assembly of the rear portions of residential acreage parcels that front Finch Road.

Mr. Miller further stated that the current use of the subject property is a single family residence and portions of the rear yards of four additional single family homes. The adjacent land uses include: single family residences to the north, south, and west; and Wattles Creek Condominiums to the east.

Mr. Miller further stated that the current Future Land Use Plan designation for the subject property is Low Density Residential, however, it is within a border area with Medium Density Residential. The adjacent land use designations include Low Density Residential.

Mr. Miller further stated that existing land uses are residential to the north, south, and west; and medium density residential to the east.

Mr. Miller further stated that the current zoning district classification of the subject property is R-1B One Family Residential. The adjacent zoning district classifications include: R-1B One Family Residential to the north, south, and west; and R-1T One Family Attached to the east.

Mr. Miller further stated that the Natural Features Map indicates the subject property potentially contains woodlands, wetlands and Lane Drain. There is also 100-Year Flood Plain located on the property. Aerial photography and site inspection confirms the woodlands.

Mr. Miller concluded stating that Section 11.40.00 of the Zoning Ordinance provides location standards for the consideration of CR-1 Zoning Districts. There are three categories in the location standards and include transition basis, environmental basis and difficult parcel configuration basis. The subject property initially appears to qualify for each of these basis, although the natural features basis requires preservation of a minimum of five (5) acres. The property is 4.86 acres in size; therefore, if developed, the five (5) acre minimum cannot be met. The subject property abuts Wattles Creek Condominium and could be considered adjacent or near to I-75. In addition, the unusual shape of the subject property makes it unlikely to be developed in a traditional one family subdivision layout. Therefore, the rezoning request could qualify under the transition basis. The rezoning request is consistent with the Future Land Use Plan and compatible with the adjacent zoning districts and land uses. Based upon these findings the Planning Department recommends approval of the CR-1 rezoning request.

Mr. Waller stated that in looking at the overall shape of the parcel at the north end, at the east there would be landlocked property.

Mr. Miller stated that he didn't think so, although he would really like to clarify that with the Assessing Department.

David Donnellon, Architect for Choice Group, and Joseph Chehayeb, Petitioner, came forward. Mr. Donnellon presented a schematic plan and addressed Mr. Waller's comments, stating a detention pond for Wattles Park with the R-1T property is not a landlocked property.

Mr. Chamberlain commented to the commission to note the letters of opposition in their possession.

Public hearing opened.

Bob Beauchamp, 880 Huntsford, stated he is opposed to this rezoning. Two years ago the developer came before you, and City Council approved R-1T with the stipulation that the developer would not back again. Now two years later they're back trying to rezone this.

Dumitru Nae, 827 Superior, stated he wrote a letter commenting on the negative aspects of the rezoning request.

William Pelletier, 800 Huntsford, stated he sent an e-mail noting opposition because it will allow a denser placement along their subdivision. With the new rezoning, houses can be closer together. Fifteen (15) feet rather than 25 feet and

closer to the back lot line. CR-1 parcels of land are suppose to be on major thoroughfares.

Mr. Miller stated generally yes, major thoroughfares or I-75.

Mr. Pelletier commented on an exception because it is near I-75.

Mr. Miller stated adjacent or abutting.

Martin Morteunen, 3689 Finch, asked that under the proposed rezoning, how many units could be built on the property.

Mr. Miller stated R-1B would allow 2.2 units per acre which would be ten (10) units, and CR-1 would allow 2.6 units per acre which would be twelve (12) units.

Mr. Morteunen stated that what amazes him so much is that developers are purchasing property in Troy and that when they get enough of it they will come in front of the Planning Commission. He didn't believe that the density increase in this area would be an improvement to the neighborhood or to the city.

Thomas Kerbawy, 3813 Finch, stated the people have voiced their opposition. The burden on Finch Road would be too great to handle the traffic if the zoning is changed. He hasn't seen the movement of the owners on a step-by-step basis east of Finch and west of Finch to develop property.

Frank Pulc, 3922 Old Creek Road, stated he is opposed to this rezoning.

Arnold Wilson, 3776 Finch, stated he sold the rear portion of his property and was told it would be single family homes.

Gordon Ryan, lives in Wattles Creek, and is concerned with the shape of the area and that it seems like all those homes along Finch are different sizes. He is opposed to CR-1.

Public hearing closed.

Mr. Keoleian commented on the forest area and asked if that is included in the 4.86 acres.

Mr. Miller stated that the total property is used for the calculation.

Mr. Keoleian stated that this little development is near I-75 and near another subdivision. It does not cohere to the other developments.

Mr. Wright commented that it isn't adjacent to I-75 and is of an unusual shape and he didn't think there is a need to rezone it.

Ms. Pennington asked for clarification of the existing piece of property and if it can be developed without hardship under the current R1-B.

Mr. Littman stated that he does not think it fits the criteria for CR-1.

Mr. Storrs agreed with Littman, Wright, and Keoleian.

Mr. Wright stated that neighboring land uses are inconsistent with the surrounding area and the rezoning is not necessary for the development of the property.

RESOLUTION

Moved by Wright

Seconded by Littman

RESOLVED, that the Planning Commission hereby recommends to the City Council that the R-1B to CR-1 rezoning request on the east side of Finch Road and south of Wattles Road in Section 21, be denied, for the following reasons:

1. The CR-1 rezoning request is inconsistent with neighboring land use and is unnecessary for development of property.

Yeas

Nays

All in favor (9)

MOTION CARRIED

ZONING ORDINANCE TEXT AMENDMENTS

12. PUBLIC HEARING - PROPOSED ZONING ORDINANCE TEXT AMENDMENT – Article XXXI (Schedule Notes) Note “S”

To read as follows: *(Underlining, except for major Section Titles, denotes changes.)*

31.30.00 SCHEDULE NOTES

- (S) The minimum yards shall be thirty (30) feet for buildings, or portions of buildings three stories or less and less than thirty (30) feet in height. Buildings, or portions of buildings, up to three stories in height may be constructed up to a maximum height of 75 feet provided that the yards shall be increased in accordance with items 1,2 and 3 below. Buildings, or portions of buildings, may be constructed to maximum height of five (5) stories or seventy-five (75) feet, provided that the set back is increased to a minimum of fifty (50)

feet at the fourth story level and provided further that this fifty (50) foot setback is increased in accordance with items 1, 2 and 3 below.

1. One and one-half (1-1/2) feet per foot of height over thirty (30) feet in those yards abutting residentially zoned areas.
2. One (1) foot per foot of height over thirty (30) feet in those yards abutting non-residentially zoned areas and thoroughfares.
3. One-half (1/2) foot per foot of height over thirty (30) feet in those yards abutting a limited access freeway right-of-way.

Mr. Miller stated that this amendment to Note (S) will clarify setbacks within the O-M Zoning District. It is noted that Note (Q) regulates setbacks in the O-S-C Zoning District. Notes (S) and (Q) will then have similar text structure. The Planning Department recommends approval of the proposed Zoning Ordinance amendment

RESOLUTION

Moved by Storrs

Seconded by Wright

RESOLVED that recommendation to City Council on Zoning Ordinance Text Amendment 31.30.00, Note S, be adopted. The amendment is not a change in the intent of the Ordinance, only a clarification of the text in the Zoning Ordinance. The purpose is to rectify an item of confusion and misinterpretation that had been presented to the Board of Zoning Appeals.

Yeas

Nays

All in favor (9)

MOTION CARRIED

13. PUBLIC HEARING - PROPOSED ZONING ORDINANCE TEXT AMENDMENT – Article XXXI (Schedule Notes) Note “Q”

To read as follows: *(Underlining, except for major Section Titles, denotes changes.)*

The 31.30.00 SCHEDULE NOTES

- (Q) Eighty (80) percent of the gross floor area constructed within this District shall be contained in structures having a minimum height of three (3) stories. The minimum yards shall be thirty (30) feet for buildings, or portions of buildings three stories and thirty (30) feet in height. Additional height shall be permitted provided that the set back is increased to a minimum of fifty (50) feet at the fourth story

level and provided further that this fifty (50) foot setback is increased in accordance with items 1 and 2 below.

1. One -half (1/2) feet per foot of height over thirty (30) feet.
2. One-quarter (1/4) foot per foot of height over thirty (30) feet in those yards abutting a limited access freeway right-of-way.

Mr. Miller stated that this amendment to Note (Q) will clarify setbacks within the O-S-C Zoning District. It is noted that Note (S) regulates setbacks in the O-M Zoning District. Notes (S) and (Q) will then have similar text structure. The Planning Department recommends approval of the proposed Zoning Ordinance amendment.

RESOLUTION

Moved by Storrs

Seconded by Littman

RESOLVED that recommendation to City Council on Zoning Ordinance Text Amendment 31.30.00, Note Q, be adopted. The amendment is not a change in the intent of the Ordinance, only a clarification of the text in the Zoning Ordinance. The purpose is to rectify an item of confusion and misinterpretation that had been presented to the Board of Zoning Appeals.

Yeas

All in favor (9)

Nays

MOTION CARRIED

FOR THE GOOD OF THE ORDER

Mr. Miller stated that the Planning Commission should make the necessary address, phone number, and e-mail address corrections and return sheet to the Planning Department.

Mr. Miller also commented on the zoning on the Open Space Preservation Amendment and that we should get a copy of the Act to the Planning Commission. We are going to have to make some revisions before the end of the year.

Mr. Starr welcomed Mark Vleck as the newest member to the Planning Commission and stated we need to look into the action we took on Drury Inn.

Mr. Waller commented on Phase III Stormwater regulation training on April 3rd and asked if we could get a report from Engineering.

Mr. Wright welcomed Mark Vleck.

Mr. Vleck thanked all present for the warm welcome.

Mr. Chamberlain discussed a farewell party for Jim Reece. It was decided that it will be held the evening of May 23rd at the San Marino Club. Cost will be \$25.00 per person + tax and gratuity. Include: Sue Lancaster, Lori Bluhm, Larry Keisling, Robin Beltrami and Jordan Keoleian.

Mr. Waller will be attending the American Planning Association National Conference in Chicago.

Mr. Waller commented on Rhode Island Site Condominium.

Mr. Chamberlain requested that Mr. Miller get Mark Vleck into training as soon as possible.

Adjourned 11:00 p.m.

Respectfully submitted,

Mark F. Miller AICP/PCP
Planning Director